

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KORY T. O'BRIEN,
Plaintiff,

v.

R. GARZA, *et al.*,
Defendants.

Case No. 2:22-cv-01730-TLN-JDP (PC)

ORDER

Defendants move for leave to file an early partial motion for summary judgment based on plaintiff's failure to exhaust administrative remedies for his retaliation claim and to stay discovery and dispositive motion deadlines, ECF No. 20, and plaintiff has filed two motions seeking to modify the scheduling order and to stay discovery, ECF Nos. 21 & 22. Good cause appearing, the motions are granted.

Accordingly, it is hereby ORDERED that:

1. Defendants' motion for leave to file an early partial motion for summary judgment and stay discovery and dispositive motions, ECF No. 20, is granted.

a. Defendants shall file a partial motion for summary judgment based on plaintiff's failure to exhaust administrative remedies based on his First Amendment retaliation claim within forty-five days of this order.


2. The discovery and dispositive motion deadlines are stayed. The court will issue an

1 amended discovery and scheduling order after the resolution of defendants' partial exhaustion-
2 based motion for summary judgment.

3 3. Plaintiff's motions to modify the scheduling order and stay discovery, ECF Nos. 21 &
4 22, are granted.

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6 IT IS SO ORDERED.

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8 Dated: August 11, 2023


9 JEREMY D. PETERSON
10 UNITED STATES MAGISTRATE JUDGE
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